

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES WHITTENBERG,

Plaintiff,

No. CIV S-04-2313 FCD JFM P

vs.

LT. L. ROLL,

Defendant.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights complaint pursuant to 42 U.S.C. § 1983. On September 9, 2005, plaintiff filed a document which appears to be his effort to notify counsel for defendant that plaintiff had not yet received certain documents plaintiff had earlier requested. It does not appear that plaintiff is seeking court action. Moreover, court permission is not necessary for discovery requests and neither discovery requests served on an opposing party nor that party's responses should be filed until such time as a party becomes dissatisfied with a response and seeks relief from the court pursuant to the Federal Rules of Civil Procedure. Discovery requests between the parties shall not be filed with the court unless, and until, they are at issue.¹

¹ In his notice, plaintiff stated he was confused as to whether plaintiff was now cut-off from discovery inasmuch as the revised scheduling order did not address discovery. However, by

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's September 9, 2005
2 notice will be placed in the court file and disregarded.

3 DATED: September 20, 2005.

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5 
6 UNITED STATES MAGISTRATE JUDGE

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25 order filed April 25, 2005, plaintiff's request to extend the discovery deadline was granted and
26 the discovery cut-off was extended to August 4, 2005. Of course, the parties may agree to
exchange discovery without seeking court intervention, particularly in an effort to expedite
resolution or litigation of this case.